



41 2674

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
PALM ET AL.

Serial No. 09/117,219

Filing Date: JANUARY 13, 1999

Confirmation No. 3434

For: 3D STEREO BROWSER FOR THE
INTERNET

) Attny Docket No.
) 80802
)

) Examiner:
) WESNER SAJOUS
)

) Art Unit: 2676
)

RECEIVED

OCT 20 2004

Technology Center 2600

REQUEST FOR RECONSIDERATION

Director, U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated July 12, 2004,
the following remarks are respectfully submitted in connection
with the above-identified application.

In re Patent Application of:

PALM ET AL.

Serial No. **09/117/219**

Filed: **JANUARY 13, 1999**

Claims 2-10 remain in the application. Claims 5 and 6 have been allowed by the Examiner. Claims 2-4 and 7-10 stand rejected.

The Examiner rejected Claims 2-4 and 7-10 under 35 U.S.C § 103 as unpatentable over Teig et al. in view of Palm et al. '995.

Applicants respectfully traverse the rejections for the following reasons.

First, Palm et al. '995 is not prior art with respect to this application under 35 U.S.C. § 102. None of the subsections of 35 U.S.C. § 102 apply. Accordingly, given the fact that Teig et al. has failings acknowledged by the Examiner, and since the Palm et al. '995 patent is not prior art, the examiner has not established a prima facie case of obviousness.

Further, the Palm et al. '995 patent is not appropriate for use in a rejection because, under 35 U.S.C. § 103(c). The subject matter of the claimed invention, at the time the invention was made, was owned by the same person, namely Synthonics Inc.

Finally, the Charles S. Palm who is an applicant in this application is the same Charles S. Palm who was named as co-inventor in the Palm et al. '995 patent.

In re Patent Application of:

PALM ET AL.

Serial No. **09/117/219**

Filed: **JANUARY 13, 1999**

Notwithstanding the fact that Palm et al. '995 is not prior art is this application, a rejection based on the Palm et al. '995 application would be inappropriate, on the merits, for lack of any teaching or rationale for the combination of the references. The Palm et al. '995 patent is directed to Methods And Apparatus For Zooming During Capture And Reproduction Of 3-Dimensional Images.

The Teig et al. reference is directed to a computer system for modeling molecules and investigating the chemical and physical properties thereof. Specifically, Teig et al. allows the user to display and manipulate models of newly proposed chemical structures. Molecules, compounds, and chemical structures are not visible to the human eye. Rather, the representations used in the Teig et al. patent utilize a computer generated representation of molecules, which otherwise could not be seen.

The entire purpose of the Palm et al. '995 patent is to allow zooming, so that images which require zooming to detect detail can be examined in three dimensions. See column 2, lines 61-64. One would not combine the teachings of Palm et al. '995, directed to zooming combined with adjustment of the neutral plane, with a three dimensional computer model of an abstraction of a molecular level structure. There is no need to zoom a molecular level representation, because the representations bear no relationship to the realities of the underlined physical phenomenon that might otherwise be observed. Rather, the abstract models utilize by Teig et al.

In re Patent Application of:

PALM ET AL.

Serial No. **09/117/219**

Filed: **JANUARY 13, 1999**

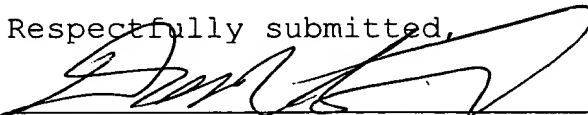
are mere representations of atoms and molecules that bear no relationship (other than in a mathematical sense) to the underlying physical reality. There is certainly no need to examine up close a particular chemical structure since there is no correspondence between the chemical structure depicted in the model and the realities of a chemical structure and the physical world. Thus, Teig et al. would have no need for zooming, let alone for a need for adjusting the neutral plane, as discussed in Palm et al. '995.

Accordingly, applicants respectfully request that the Examiner reconsider the rejection and permit claims 2-10 to be allowed as a patent.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,



DAVID L. STEWART

Reg. No. 37,579

Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.

255 S. Orange Avenue, Suite 1401

Post Office Box 3791

Orlando, Florida 32802

407-841-2330

In re Patent Application of:

PALM ET AL.

Serial No. **09/117/219**

Filed: **JANUARY 13, 1999**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: DIRECTOR, U.S. PATENT AND TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on this 12 day of October, 2004.